IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2893 OF 2000

DATED: 9-12-2005

Between:

P.Balarangaiah S/o.P.Obenna

Badwel, Cuddapah district petitioner

And

APSRTC,

Rep by its Managing Director,

Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 2893 OF 2000

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in calling for applications for “out of designation posts” vide notification No. E1/255(11)/99-BDVL dated 27.12.1999.

The case of the petitioner in brief is that he joined the respondent corporation as Conductor in the year 1992 and his services were being utilized on out of designation duties since 1998. While so, the respondent corporation issued a notification dated 30.11.1999 calling for applications for utilization of services of five employees for other duties at Badvel depot. Thereafter, the impugned notification dated 27.12.1999 was issued canceling the applications received pursuant to notification dated 30.11.1999 and calling for fresh applications from the employees for other duties. In pursuance of the notification dated 27.12.1999, proceedings dated 11.1.2000 were issued permitting four conductors and one driver to work on "out of designation duties" at Badwel depot and one among them was allotted to Establishment Section and thereby the petitioner who was working on out of designation duty was disturbed. Hence, the writ petition.

Learned counsel for petitioner mainly contended that the petitioner is a senior most conductor having higher educational qualifications and has been attending the work on out of designation duties in the Establishment section from 23.6.1998 and he was disturbed illegally by the impugned proceedings. Thus prayed for a direction to the respondents to continue the petitioner on out of designation duties or to consider the case of the petitioner in the vacant post of Junior Assistants in Badvel depot.

A detailed counter affidavit was filed on behalf of respondents
1 to 3. It is stated that pursuant to notification dated 22.4.1998 the petitioner who possessed the typing qualification was selected to work on out of designation duties, until pending work in the office is completed. Thereafter, since one Junior Assistant has opted for voluntary retirement, the services of the petitioner were utilized in the office. The averment of the petitioner that he has not submitted any application pursuant to notification dated 27.12.1999 was denied and it is stated that the petitioner has made his application dated 30.12.1999 requesting to utilize his services on out of designation duties. It is specifically stated that possessing higher qualifications is not a criteria and the required criteria is seniority and willingness. That the office bearers of the union of Badvel depot requested the authorities to engage senior most staff on out of designation duties and as per the oral instructions of the Regional Manager selections were made on the basis of seniority. The
4th respondent who is senior to petitioner was selected and petitioner was directed to attend to his scheduled duties and accordingly he is attending to the duties of

conductor w.e.f. 26.2.2000. It is further stated that the Vice Chairman and Managing Director has issued Circular No.PD 29/99 dated 27.3.1999 advising all the concerned not to utilize the staff on out of designation duties. This Court in W.A. No. 1252 of 1999 dated 6.3.2000 held that the persons engaged on out of designation discharging the duties of Junior Clerk/Typist for some time have no right to continue in the said post.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation.

Engagement of petitioner on out of designation duties is only to meet the exigencies of work and it does not confer any right on the petitioner to claim that he should be continued as such. Since the criteria for selection for allotment of out of turn duties is seniority and willingness, the action of the respondents in selecting the 4th respondent who is senior to petitioner, cannot be found fault with. The contention of the learned counsel for petitioner that the case of the petitioner may be considered in the vacant post of Junior Assistant cannot be accepted for the reason as per counter affidavit there are no vacant posts of Junior Assistants as on date in the Badvel depot.

For the foregoing reasons, the writ petition fails and accordingly the same is dismissed. No costs.

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N.V.RAMANA,J

9.12.2005

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